



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,517	04/02/2007	Alan John Morris Freeman	SCOTT PA5114	1709
27667	7590	12/21/2010	EXAMINER	
HAYES SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			COMLEY, ALEXANDER BRYANT	
			ART UNIT	PAPER NUMBER
			3746	
			NOTIFICATION DATE	DELIVERY MODE
			12/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

admin@hayes-soloway.com
smckniff@hayes-soloway.com
nsoloway@hayes-soloway.com

Office Action Summary	Application No. 10/593,517	Applicant(s) FREEMAN, ALAN JOHN MORRIS	
	Examiner ALEXANDER B. COMLEY	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Drafts, Person's Patent Drawing, Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. The Examiner acknowledges Applicant's amendments, arguments, and remarks filed with the Office on October 12th, 2010 in response to Non-Final Office Action mailed by the Office on August 31st, 2010. Per Applicant's response, Claims 1, 3-4, 9, 11, 16-17, and 22 have been amended. No claims have been cancelled or newly-added. All other claims remain in their previously presented form. Therefore, Claims 1-23 still remain pending in the instant application. The Examiner has carefully considered each of Applicant's amendments and arguments, and they will be addressed below.

Drawings

2. The Examiner acknowledges receipt of Applicant's submitted amended figures in order to correct minor informalities found in the originally-filed drawings. The Examiner accepts the corrections made thereto, and consequently has withdrawn the previous drawing objections.

Specification

3. The Examiner acknowledges receipt of Applicant's submitted amendments to the specification in order to correct minor informalities. The Examiner accepts the corrections made thereto, and consequently has withdrawn the previous specification objections.

Claim Objections

4. The Examiner acknowledges receipt of Applicant's amendment to Claim 3 in order to obviate minor informalities. The Examiner accepts the corrections made thereto, and consequently has withdrawn the previous claim objection.

Claim Rejections - 35 USC § 112

5. The Examiner acknowledges receipt of Applicant's amendment to Claims 9 and 22 in order to obviate minor informalities. The Examiner accepts the corrections made thereto, and consequently has withdrawn the previous 112 rejections.

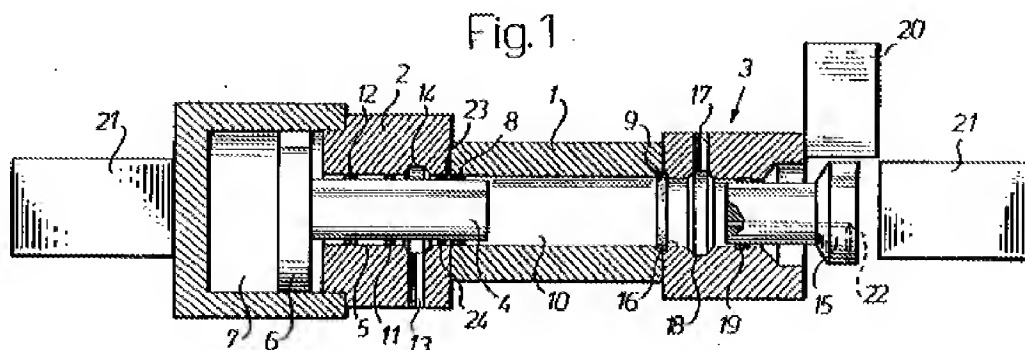
Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-9 and 11-22** are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,579,682 to Bergman et al.



In regards to Independent **Claims 1 and 11**, and with particular reference to Figure 1 shown immediately above, Bergman discloses a pressure intensifier assembly for pressurizing foodstuffs such as tomato sauces, fruit-based pulps, and quenelles (See Col. 1, Lines 20-25). Bergman's device utilizes a cylinder-and-piston 1, 4 (i.e. barrel assembly), pressurize generator (4-7), end closure assemblies (2, 3), and a surrounding tension frame with clamping pistons 21 (See Col. 6, Lines 17-36) Just like Applicant's tension frame and clamping pistons, the tension frame/pistons (20, 21) of Bergman are designed to press against the end closures (2, 3) in order to take up any axial forces placed thereon during pressurization inside chamber 10 (See Col. 7, Lines 4-17) Bergman's intensifier also appears to operate in the same manner as Applicant's invention (See Col. 7, Line 52 – Col. 8, Line 34)

8. In regards to dependent **Claims 2 and 12-14**, the tension frame/pistons 21 take the form of a clamping yoke. Regarding dependent **Claims 3 & 15**, first and second seal assemblies (8, 9) are disposed on either end of the high pressure barrel 1. In regards to dependent **Claims 4 & 16-17**, the pressurizing means (4-7) is a hydraulic piston/ram assembly (See Col. 8, Lines 3-10) Regarding dependent **Claims 5 & 18**, the surrounding housing of Bergman's intensifier acts as a stand. In regards to dependent **Claims 6-7 & 19-20**, it can be seen in Figure 1 that no screws are utilized in retaining the various intensifier components together. Moreover, Bergman specifically states that his structure allows for quick disassembly thereof (See Col. 5, Lines 49-54) Hence, the barrel 1 can be opened rapidly, and therefore allows for quick detachability thereof.

Art Unit: 3746

Regarding dependent **Claims 8 & 21**, it can be seen in Figure 1 that the right end closure 3 is retractable via its plunger member 15 when the press frame pistons 21 retract therefrom (See Col. 8, Lines 27-34) And finally, in regards to dependent **Claims 9 & 22**, it is clear that the pressurizing fluid lifts the piston 4 of the barrel assembly during pressurization.

Claim Rejections - 35 USC § 103

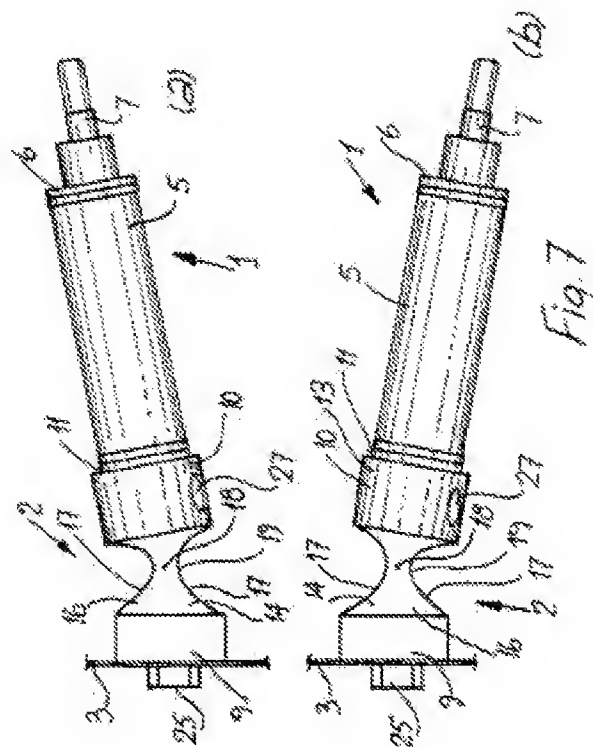
9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. **Claims 10 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,579,682 to Bergman et al. in view of United States Patent No. 5,904,089 to Jansson et al.



With reference to Figure 7 pictured above, Jansson discloses the use of a hinged pivot mechanism (14-19) for allowing a ram mechanism to pivot on its base (See Col. 5, line 60 - Col. 6, Line 28) Both Bergman and Jansson are aimed at providing better ram apparatuses. Therefore, to one of ordinary skill desiring a more versatile ram, it would have been obvious to utilize the pivoting techniques disclosed in Jansson in combination with Bergmann in order to obtain a predictable result; that result being a pivoting ram housing that allows for better access thereto.

Response to Arguments

12. Applicant's arguments filed October 12th, 2010 have been fully considered but they are not persuasive. The Examiner's responses can be seen below.

Art Unit: 3746

13. In regards to Applicant's argument against use of Bergman's press frame (20, 21) as Applicant's "clamping piston", the Examiner must respectfully disagree. The press frame 21 and spacing block 20 appear to make up a tensioning frame (i.e. clamping piston) that takes up the axial load forces and loads exhibited by the piston-and-cylinder mechanism during pressurizing. As such, Bergman's frame appears to be structured in the manner as Applicant's claimed invention. Applicant goes on to argue that the press frame of Bergman undergoes a cyclic load with every pressure cycle, and as such, cannot read upon Applicant's claim. However, the examiner must assert that Applicant does not appear to claim anything with regard to avoiding such a cyclic load. The press frame (20, 21) of Bergman preloads the ends of the barrel assembly in the same manner as Applicant's claimed invention, and therefore, reads upon the claim.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3746

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER B. COMLEY whose telephone number is (571)270-3772. The examiner can normally be reached on M-F 7:30am - 5:00am EST (Alternate Fridays Off). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon C. Kramer can be reached on (571)-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander B Comley/
Examiner, Art Unit 3746

/Charles G Freay/
Primary Examiner, Art Unit 3746

ABC

Application/Control Number: 10/593,517
Art Unit: 3746

Page 9